

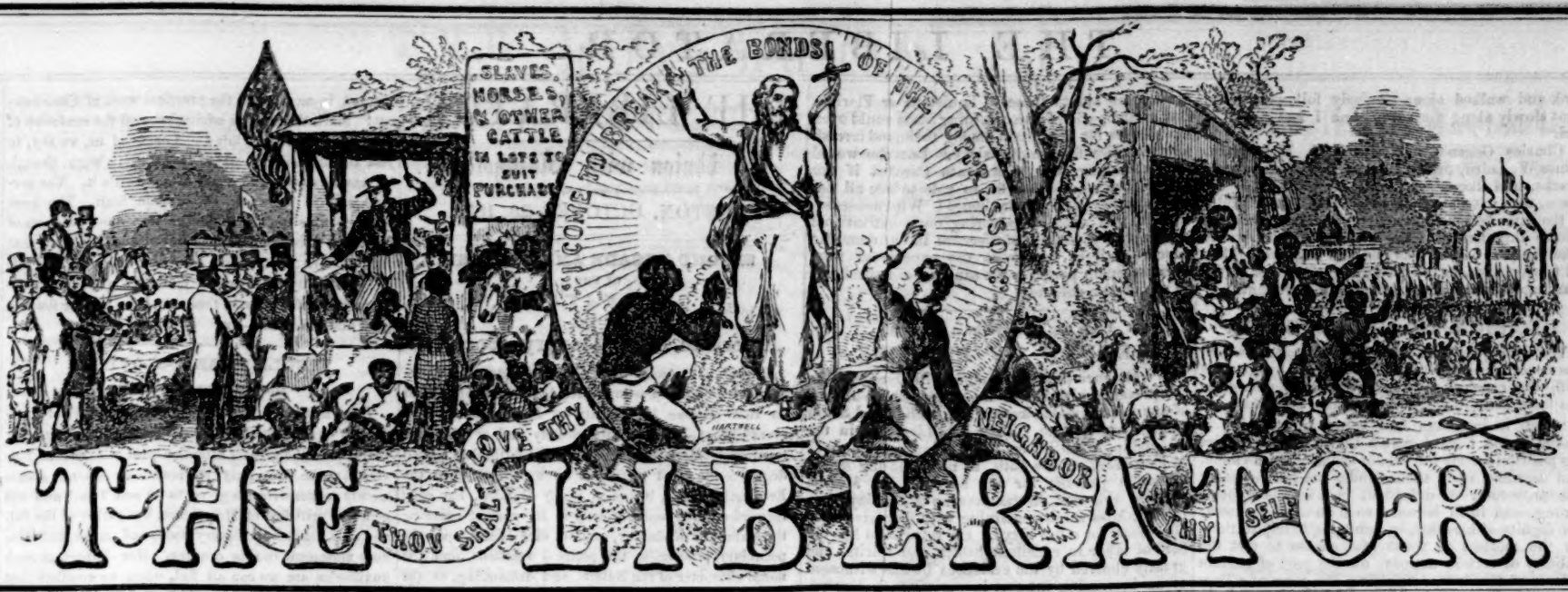
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THE LIBERATOR
IS PUBLISHED
EVERY FRIDAY MORNING,
AT THE
ANTI-SLAVERY OFFICE, 21 CORNHILL.
ROBERT F. WALLCUT, GENERAL AGENT.
TERMS—Two dollars and fifty cents per annum,
in advance.
Five copies will be sent to an address for TEN
DOLLARS, if payment be made in advance.
All remittances are to be made, and all letters
relating to the pecuniary concerns of the paper are to
be directed, (POST PAID), to the General Agent.
Advertisements making less than one square in-
serted three times for 70 cents—one square for \$1 00.
The Agents of the American, Massachusetts,
Pennsylvania and Ohio Anti-Slavery Societies are au-
thorized to receive subscriptions for the Liberator.
The following gentlemen constitute the Financial
Committee, but are not responsible for any of the debts
of the paper, viz.—FRANCIS JACKSON, ELLIS GRAY
LEWIS, EDWARD QUINCY, SAMUEL PHILBRICK, and
WILLIAM PHILLIPS.
In the columns of THE LIBERATOR, both sides of
every question are impartially allowed a hearing.
WM. LLOYD GARRISON, EDITOR.

VOL XXIII. NO. 43.

REFUGE OF OPPRESSION.

From the British Banner of Sept. 28, 1853.
AMERICAN SLAVERY.
We observe, from our last American exchanges,
that the work of emancipation is proceeding
rapidly. Among the more noticeable circum-
stances is the fact, that Mr. FREDERICK DOUGLASS,
proprietor and editor of the paper which bears his
worthy name,—himself a man of color, and the
most efficient advocate of his own people,—has fallen
in with the extreme men. We are
gladly glad to learn that such is the fact.
We had, indeed, a hint of it some time ago, but
we were scarcely aware of the extent to which the
fanatical views of his former friends had gone.
Strange to say, just in proportion as he is becom-
ing a little more rational, they are becoming in-
creasingly fanatical. As long as he was wild like himself, he
was their pet and their idol; but now that he thinks
a little more soberly, and, by consequence, a little
more practically,—now that he looks for emancipa-
tion to legislative action, and implores the friends
of the slave to attend to the ballot-box, he is hos-
tile, and even denounces as turning back, as he
calls it, to him, above all things, is
utterly dear! But for our familiarity with the
spirit of the party, we should have deemed it
scarcely credible that such violence could have
followed such a course. He is actually charged
with "base ambition,"—with a design to displace
the captain of the anti-slavery ship, Mr. Garrison,
and place himself at the helm! Now, we con-
fess, that while we doubt the ambition, and, in the
present case, its adjunct, we think the sooner the
helm is in other hands than those of Mr. GARRISON,
the better; and we know not whether it could be
hands more clean, or more skillful, than those of
Mr. DOUGLASS. The following paragraph, from the
Banner, will throw some light on the subject.
"We of our readers are aware that THE LIBERATOR
under the management of Mr. GARRISON. He
proceeds—
"THE LIBERATOR, the most warlike chief of all its tribe,
"the slaughter of intractable friends has become
as numerous as any other fact connected with its history,
"and, in the second number of the 'next week's'
"the paper, the extracts are selected with artistic skill,
"and arranged with the happiest regard to the designed
"effect, that being to exhibit the editor of Frederick
"Douglass's Paper to the worst possible advantage before
"the readers of the Liberator. Let us help on this char-
"acter, an introductory remark is slung in to assist
"the fall understanding in comprehending the dark spirit
"that could dictate such 'blood and thunder.' If any
"thing is said in one part of an article culled from
"Douglass's Paper, which would show a redeeming
"light upon the man who wrote it, the editorial scissors
(close useful accompaniments of the editorial table)
"by slipping off a little at each end, make the thing
"exactly. Thus, too, the articles are all appropriate-
"ly numbered, I. H. II. III. IV. V. VI. VII. VIII. IX.
"and so on, and the reader is left to guess the
"subject of the 'next week's' 'next week's' 'next week's'
"Next week's, however, the 'stricter,' (or castiga-
"tory) are deferred, so that the punishment is still in
"the future. There is another promise, that retribu-
"tion will be long deferred, will come at last; and con-
"sider, if you will, the Liberator's temper up to it."
This is not amiss, we think, even for Mr. GAR-
GARRISON. But while the Chief, he is only one of a
multitude. Mr. DOUGLASS goes on:—
"After the Standard comes the Pennsylvania Free-
"man, from the city of brotherly love. It brings along
"good cause a little more than two columns, all of
"a quality quite characteristic of the Standard. It is
"belligerent, with dagger-wreathed with missiles,
"tides out its cannon of falsehood, wiles away the
"copious perspiration, (for the effort is a great one),
"and, retire, uttering a sanctimonious word of re-
"gret, and the Standard is necessary. Here the mat-
"ter stands for the present. Next week, by all means,
"let us turn; after that, the Bugle, and possibly the
"Patriot Christian, but certainly the Bugle, for, be-
"hind a little trifle, the Bugle is true, and may be
"counted upon with safety, in a great emergency like this."
From this it will appear, that Mr. DOUGLASS is
determined to be the perils of his position. He avows
he is by no means indifferent to such attacks, for-
much as the men that make them are powerful.
But while apprised of his danger, he has measured
his ground, and rejoices in the fact that the attack
was an open one. He knows his adversaries. He
determines, we are pleased to observe, to be slow
in entering on a war of the pen with his old friends.
He thinks he can more better employed. He
thinks that the Liberator, by all means, must
take himself, with increased vigor, to the protection
of his special enterprise, and he may rest as-
sured that his friends will multiply. The malign-
ant Christianity, the execrators of the Bible,
and of order, the men who make little of the Sab-
bath, and nothing of the Lord's day, by all means,
let the new World! Far from it. The Church has
been, been most woefully to blame. Her guilt has
been, been most woefully to blame; but, after all, it is she,
and not the Liberator, who is to be reformed, and
come to her right mind,—that is to do the work. At this moment,
there is in the United States a host of as true
friends to the slave, and as zealous advocates of
emancipation as ever drew breath; but it will be
found, that the source whence they proceed is the
Church, and that the instruments with which they
work—the words they utter, the arguments they
draw, and the facts they throw—are all supplied by
the Church. A work has been begun in the New
World which will never be given up till success shall
have crowned it. The following paragraph from the
paper of Mr. DOUGLASS will speak for itself:—
"The signs of the times were never more favorable
"to the cause of the slave than now. The anti-slavery
"work, long required to walk by faith, with no almost
"work, have we seen within the last eighteen months
"the reality has transcended the prophecy. The long
"power and almost forgotten bondman, summoned by
"the power of the agitation by rattling his heavy chains,
"and clanking his iron fetters in the very chains of
"the American people, as if to give them more real
"puppet—all devoted to an exposure of the enormous
"and almost endless succession. The free colored peo-
"ple themselves (as seen in their late National Con-
"vention in our city) are bringing to the good work
"most needed their help; in all which, we recog-
"nize the hand of God, graciously assuring the friends of
"truth that their labor has not been, and shall not be,
"in vain."



Our Country is the World, our Countrymen are all Mankind.
BOSTON, FRIDAY, OCTOBER 28, 1853.
WHOLE NUMBER 1186.

LEGAL PORTION OF JUDGE GRIER'S OPINION.

Ex Parte John Jenkins and James Crossen.
I have made these remarks, as preliminary
to entering upon the question now before us, in order
to rectify a misapprehension and gross misappre-
hension of those made on a former occasion, and also
to show whose and in favor of fugitives it is
sometimes permitted so far to outrun their discretion
may be aware of the mischievous consequences,
both to themselves and others, which are likely to
ensue from attempts thus to abuse the process of
State Courts and bring them into conflict with those
of the United States.
The prisoners, John Jenkins and James Crossen,
have been brought before the Court by virtue of a
writ of habeas corpus issued and allowed by me on
the 4th of October, and directed to J. B. Chollat.
The petition for this writ sets forth, that the peti-
tioners are deputies of the Marshal of the United
States for this district; that a warrant was placed
in their hands by said Marshal, issued by D. D.
Graham, Esq., Commissioner of the Court, and
Judge of the Supreme Court; directing them to ar-
rest a negro named William Thomas, who being
held to labor and service in the State of Virginia,
and owing the same to a certain Isham Keith,
of Fairfax county, Virginia, had escaped there-
from into the State of Pennsylvania; that they
proceeded to Wilkesbarre, Luzerne county, Pa.,
where the fugitive was found; that they attempted
to arrest him in obedience to said warrant; that the
arrest was resisted with great violence, and, after
a severe struggle, the fugitive succeeded in escap-
ing. They complain that they have been arrested
and imprisoned under color of a warrant from a
justice of the peace of Luzerne county, charging
the said fugitive with the crime of escaping from
the service of his master, and that they were
intended to kill, and pray to be discharged from
said imprisonment.
To this writ of habeas corpus, Chollat makes re-
turn that he detains the prisoners by virtue of a
certain warrant issued by Gilbert Burrows, a justice
of the peace for the borough of Wilkesbarre, and
enrolled as such in the records of the Court.
The warrant sets forth an information upon the
oath of a certain William Gildersleeve, that
George Wynkoop, John Jenkins, and James Crossen,
in a riotous manner, with pistols and other
weapons, beat and wounded a certain colored man,
named Bill, and that they assaulted beat and
wounded the said Bill, as the deponent believed,
with intent to kill him, and that he, the deponent,
was present at the time, and saw the assault com-
mitted.
On the return of this writ, on Wednesday last,
objection was made to any action by the Court
upon the return, by learned counsel who appeared
without stating on whose behalf, or by whom they
were authorized to interfere in the matter. Being
desirous to hear any objection which could be
made as to the return of the writ of the Court
in this matter, these gentlemen were willingly heard
as amici curiae without any inquiry as to who had
authorized them to take part in the proceedings.
It was objected that the Court had no authority
to discharge the prisoners, because they were held
by a warrant from a State magistrate for an alleged
crime committed in the State of Pennsylvania;
and that the warrant was conclusive evidence of
the fact. To a habeas corpus issued by this Court
under the general authority conferred on them by
the judiciary act, the objection would be conclusive.
But this writ was not allowed and issued under
the general law, but under the special powers con-
ferred by the seventh section of the act of Congress
of second March, 1833, ch. 37; which so far as
material to our present inquiry is as follows:—
"And be it further enacted, that either of the justices
of the Supreme Court, or a judge of any District
Court of the United States, in addition to the au-
thority already conferred by law, shall have power
to grant writs of habeas corpus in all cases where
the prisoner or prisoners are held by a warrant
issued by a justice of the peace, or other inferior
magistrate, where he or they shall be committed or
confined on, or by any authority or law, for any act done
or omitted to be done in pursuance of a law of the United
States, or any order, process or decree of any judge
or court thereof, any thing in any act of Congress
to the contrary notwithstanding."
For the purposes of the discussion and argument
of this point, it was necessary to assume that the
facts set forth in the prisoner's petition were true,
leaving the proof of them to be made out after-
wards. The petition states distinctly that the
prisoners have been committed for an act done in
executing process issued in pursuance of a law of
the United States, and therefore comes within the
provisions of this act.
"The writ of habeas corpus is a high prerogative
writ known to the common law; the great object
of it is the liberation of those who may be im-
prisoned without sufficient cause. It is in the na-
ture of a writ of error, to examine the legality of
the commitment; it brings the party or parties pri-
soned, together with the cause of his confinement.
The Court can undoubtedly inquire into the suffi-
ciency of that cause."—(See ex parte Watkins, 3
Pet. 201.)
A warrant of arrest issued by a justice of the
peace has none of the characteristics of a judgment
of the Court, and is therefore conclusive evi-
dence that the prisoner is rightly deprived of his
liberty. It is every day's practice to inquire into
its regularity, and whether it has been issued on
sufficient grounds to justify the arrest and imprison-
ment. If this could not be done the writ of habeas
corpus would little deserve the eulogies which it
has received as protection to the liberty of the
citizen. Warrants of arrest issued on the applica-
tion of private informers, may show on their face
a prima facie charge sufficient to give jurisdiction
to the justice; but it may be founded on mistake,
ignorance, malice or perjury. To put a case very
similar to the present. A tells B that he has seen
C kill D. B runs off to the justice, swears to the
murder boldly without any knowledge of the fact,
and takes out a warrant for C, who is arrested and
imprisoned in consequence thereof. C prays a habeas
corpus, and shows that he was sheriff of the
county, and hanged D in pursuance of a legal war-
rant. If a Court could not discharge a prisoner in
such a case, because the warrant was regular on its
face, the writ of habeas corpus is of little use.
Every arrest of the person is an assault and battery
and attended with force and violence against a
resisting party; and if made by three or more persons
is a riot, provided the fact be conceded that it
was made in execution of a legal warrant.
The authority conferred on the judges of the
United States by this act of Congress gives them
all the power that any other court could exercise
under the writ of habeas corpus, or gives them none
at all. If under such a writ they may not dis-
charge the officer when imprisoned by any authori-
ty for an act done in pursuance of a law of the
United States, it would be impossible to discover
for what useful purpose the act was passed. Is
the prisoner to be brought before them only that
they may acknowledge their utter impotence to pro-
tect him? This act was passed when a certain
State of this Union had threatened to nullify acts
of Congress, and to treat those as criminals who

should attempt to execute them; and it was intended
as a remedy against such State legislation. If
the State of Pennsylvania had by act of legislature
declared that the Fugitive Law should not be
executed within her borders, and had directed
her officers to arrest and imprison those of the
United States who should attempt to execute it,
would not this Court have been bound to treat such
an unconstitutional and void, and discharge their
officers from imprisonment under it? And have
they no power to do so, when mischievous in-
consequences ensue from the refusal to treat such
process for the same purpose? If the Marshal and
his officers may be arrested for serving process,
why not the Commissioner and Judge who issued
the process? The extreme advocate of State
rights would scarcely contend that, in such cases,
the courts of the United States should be wholly
unable to protect themselves or their officers.
Let us look at the consequences. While the
Marshals' officers in this case were endeavoring to
retake the prisoner who had escaped from them,
the person who afterwards swore to the informa-
tion on which this warrant was issued, had a war-
rant put in the hands of the Sheriff, which he
very wisely refused to execute, knowing the man
charged to be acting under authority of the
United States. Now let us suppose the Marshals'
officers had succeeded in making the arrest, and the
Sheriff had attempted to execute the process, what
would have been the consequence?—If the Marshal
resists a contest ensues, which may be called, in
fact, a war between officers, each doing and justifying
his conduct under authority of their respective
sovereigns. If the Sheriff succeeds, as probably he
would, the fugitive is discharged and the officers
of the United States conveyed to prison. If such
a state of affairs can be brought about at the
instance of any mischievous or unprincipled person,
who is willing to swear without scruple to what
he knows to be false, and to make his officers re-
sponsible to the law, then, indeed, has been discov-
ered a safe mode of nullifying the constitution and
laws of the United States. Those who celebrate
the anniversaries of the Syracuse riots, and of the
Christian murder, may well rejoice at the discovery.
[The Judge here entered into a history of the
legal proceedings before him, and the facts of the
case are already familiar. Then he indulges in
some bitter invective against Mr. Gildersleeve, the
prosecuting witness, quoting isolated phrases of
that gentleman's testimony for the purpose of turn-
ing them against him and Mr. Burrows, the magis-
trate. The most curious part of this legal opinion
is what the Judge says about the facts of the case.
In this, he expatiates on the desperate resis-
tance of Bill in the tavern and passes over the
most shocking part of the transaction in the follow-
ing manner:—
"He made his way to the door at length with two
of the officers endeavoring to hold him, and finally
escaped from them, and escaped from them, and
towards the river. The officers then said they
would try to frighten him, and fired off pistols, but
did not point the pistols towards him. Bill waded
into the river; some one furnished him with a
large knife. The officers then despatched a mes-
senger for the Sheriff, who refused to render them
any assistance. Bill's clothes were much worn, and
the clothes he wore were old and shabby. He was
in the struggle; a large crowd collected; some
exhorted Bill not to be taken alive, and he de-
clared his intention to die, or be drowned, rather
than be taken. The officers, after dallying some
time, being afraid to make further attempts to
arrest him, as no one would assist them, gave up
the attempt, and he was allowed to escape. He
would not be taken alive, and they did not want
him dead, they would pursue him no further." After
the departure of the officers, Bill said to two
witnesses, who inquired of him if he was hurt,
"that he was not hurt, but had some bruises about
the face." He was afterward taken away by some
persons, on a wagon, and was directed to the river.
[What authority Judge Grier has for saying that
pistols were not pointed at Bill, does not appear.
In the suppressed testimony we find no such state-
ment; one witness testifies that, when Bill was
fired at in the water, the bullet struck a short dis-
tance beyond him, and must have passed close by
his head, and that the shooting was very close.
Called by Judge Grier, dallying with him some-
times. The Judge seems anxious, too, to make the
impression that Bill was not hurt. What then are
we to think of the pint of blood on the tavern floor,
of Bill's fainting, of his vomiting blood, on coming
out of the river, &c. &c. Since Judge Grier entered
with a flourish into the discussion of this point,
let us doubt that his decision would be adverse to ju-
risdiction by the State. Here is his conclusion:—
"We are unable to perceive in this transaction,
anything worthy of blame in the conduct of these
officers in their unsuccessful endeavors to fulfil a
most dangerous and disgusting duty, per-
haps, a want of discretion, and a want of judgment,
in the attempt to execute the writ, but a careful ex-
amination of the testimony sufficiently exhibits the
reason why those who were acquainted with the
facts of the case, have been unwilling to prosecute
the officers for their unsuccessful attempt, and left
it to those who, to use their own language, 'knew
nothing about it' to enter upon it."
The fact is, that the matter of the affidavit pre-
sented to him, and the facts of the case, and the
officers of the United States, in confinement for
acts done in pursuance of a law of the United
States, and under process from a judge of the same
that they have not exceeded the exigency of the
proofs under which they acted. That this prosecu-
tion has not been instituted, nor is now acknowl-
edged by the State of Pennsylvania, but last in its
origin in some association living at a distance, and
wholly ignorant of the whole transaction which
they have volunteered to investigate. That the in-
formation on which the warrant to arrest the
prisoners was founded, was sworn to by one who did
not know whether the matter of the affidavit pre-
sented to him was true or false, and that by a state-
ment of half truth, it is wholly false.
The prisoners are therefore discharged.

LETTER OF REV. (?) JOHN CHAMBERS.

In reply to the remarks of Rev. Wm. H. Channing.

From the Philadelphia Register.

MR. BENTLEY—DEAR SIR—Will you allow me a
brief space in your firm and independent Register,
as a most faithful and unflinching advocate has been
graciously made upon me by one Wm. H. Channing,
a Reverend brother of the Right Reverend Anti-
slavery Bazaar.
It is an old and trite saying, that silence gives
consent; and lest it should be so construed, in the
present instance, I feel myself called upon to cor-
rect the statements that have been publicly made
and widely circulated by the Rev. Wm. H. Chan-
ning, in regard to the matter of the anti-slavery
Bazaar. It appears from the public press, that in the
city of Rochester, New York, a short time since, the
Rev. Wm. H. Channing, in defending the character
of his Right Reverend Sister Brown, took upon

himself to make certain statements in relation to
me, which I pronounce to be false, absolutely so,
in every particular. In the first place, I deny, most
positively, that during the whole transaction in
the World's Convention, held in the city of New
York in September last, having either pointed my
finger at the Right Reverend Sister B. or cried,
"Shame on the woman!" I felt too much com-
tempt for the creature to do the one or the other, and
my contempt arose from the conviction that she
was disgracing her noble sex, if not herself.
In the second place, I never received a dollar or
a cent toward my education from a woman. It is
true, I was a poor young man; without patronage,
left to carve my way through life, under Providence,
as best I could. Accordingly, when I re-
solved upon preparing for the ministry, I went to
wards a fund of 40,000 dollars, with which his
plan is to be carried out. I have read the 'outline'
very carefully, and the objects contemplated seem
to me to be generally excellent and praiseworthy.
There are only one or two things to which I have
any objection. One is, that the agents are to be
men of 'acknowledged piety.' I should like to
know what test is to be applied to determine their
piety; because the various sects here may have
different standards; and I should like to know
which sect is to rule in this matter. Secondly, I
object to the political action contemplated, entertain-
ing, as I do, Garrison's view of the pro-slavery
character of the Constitution, and of the impro-
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